

PLAINTIFF'S EXHIBIT II



"Reasonable Doubt"

Broadcast Wednesday, 6 February 2002

Reporter: Muriel Clair • Producer: Jason Jedlinski • Editor: Theodore Parra

Back in 1985, Lathierial Boyd was a hot young model gracing the pages of the Tribune's Style section. His future looked promising -- until the day he was arrested and accused of murder.

Today, Boyd is relegated to life as a model prisoner -- having been convicted of a double-murder in 1990.

Lathierial Boyd has spent every day of the last twelve years behind bars proclaiming his innocence. He's written thousands of letters, trying to get somebody to help him prove he's not a killer.

Our exhaustive review of police reports and court files raised "*Reasonable Doubt*." The more digging we did, the more questions we had, about the evidence -- or lack of evidence -- that landed Boyd behind bars.

During the course of our investigation, we turned up an eyewitness who never testified in court. An eyewitness who says she told detectives -- twelve years ago -- they had the wrong man.

It was February 24th, 1990. Two in the morning, and the bars along North Clark Street were letting out. Hundreds crowded the sidewalks near Wrigley Field. Suddenly, gunshots. In an instant, 19-year-old Michael Fleming was dead. His cousin, 22-year-old Ricky Warner: paralyzed from the neck down. Three bystanders were hit.

Police arrived within two minutes, and rounded up a dozen eyewitnesses. They were college students, sailors, and teenagers... including Jennifer Bonnano; one of several people who saw the shooter. "Being 19, you're still kind of innocent and not used to seeing that kind of violence," she says. "For the first time, somebody is evil. You don't forget what they look like very easily."

We asked Bonnano what she remembers about the shooter. She said, "He was only 5'9", 5'10" maybe. He was not a very big man in any way, shape or form. Very, very dark complected. I believe he had a small mustache."

But the man detectives arrested was 6'2", light skinned, and clean-shaven. Prosecutors described Lathierial Boyd as an "Uzi-wielding attacker," who was out to settle a drug debt. After a bench trial, Judge Shelvin Singer found Boyd guilty of first-degree murder, sentencing him to more than eighty years in prison.

"Have you ever killed anybody?"

"No, no, no," Boyd replied.

"And yet you sit in here accused of killing somebody."

"I know in my heart that it's only by the grace of God that I've made it thus far. It's a living nightmare being in here when you know you don't belong in here."

FEB-21-2002 11:03am FROM:MAN SPURIS

7738833314

1-400 P.003/000 P-221

Before prison, Lathierial Boyd had a promising career as a fashion model. He was 24 years old when he was arrested. Today, he is 36. His daughters, Camille and Olivia have grown up without him. For the last decade, Boyd has spent all but twelve hours a week locked in his cell at Stateville prison.

"There was no physical evidence linking you to the crime? There was no gun with your handprints?"

"No, absolutely nothing," Boyd says.

"And you were many miles from the scene?"

"I believe 22 miles to be exact."

The night of the shooting, Boyd says he was in Ford City, eating pizza and watching basketball with his sister and her boyfriend - a corrections officer at the Cook County Jail. The boyfriend signed an affidavit, swearing he used the bathroom in the middle of the night, and saw Boyd asleep in the guest bedroom.

When Boyd learned detectives were looking to question him about a murder, he came to what's now Area Three police headquarters, at Belmont and Western. Not with an attorney, but with his parents and siblings.

"I asked them to place me in a lineup, so they'd see they had the wrong person," Boyd says.

"Why were you convinced that they would see they had the wrong person by putting you in a lineup?"

"Because when you know you haven't done anything, you know you weren't there, there's no way. How can anybody pick you out of a lineup as the offender, the shooter, the killer?"

Police put Boyd in a lineup. Nine eyewitnesses looked him in the eye, and not one picked him out as the shooter.

Jennifer Bonnano was one of the witnesses. She says, "I was pretty clear with the officer, 'I cannot pick anyone out of this lineup.'"

We asked Bonnano, "Is this the man that you saw pull a gun out of his coat and shoot??"

Her reply? "No ma'am."

"They knew I didn't commit this crime," Boyd says. "I believe they knew. And I believe they just wanted to close the case. Just to get it over with."

Jennifer Bonnano agrees. She says police knew Boyd was not the killer. Why? Because Bonnano says she specifically told police they had the wrong man.

"I remember very vividly looking at him in the lineup that day and going 'nuh-uh.' And I told the police that," Bonnano says. "I asked the officer, I asked him who they had thought had done it, and who they were looking for us to pick. And I remember the gentlemen that he picked, he was standing on the end of the line, a lot taller than the guy that I saw with the gun. Very much so lighter complected, no ifs, ands, or doubts about it. They just didn't even look alike at all."

But what Bonnano says she told detectives, that Boyd looked nothing like the killer, never made it into the official police reports. And Bonnano was never called to testify.

We asked Boyd, "Why you? Why were you so convenient to them?"

"My name came about from past involvement in drugs, unfortunately," he says.

FEB-21-2006 11:04am FROM:RUBIN STURIS

+7738833314

T-460 P 004/005 F-227

Boyd had a minor police record, but had never been to prison. He acknowledges, with remorse, he was once a small-time drug dealer. One of his customers was one of the victims, Ricky Warner. It was Warner's father who pointed detectives to Lathierial Boyd. Herbert Warner told police: Boyd threatened his family over Ricky's drug debt.

"He had come to my house, threatened to take me, to take me and my wife and kids and Ricky's life. He had threatened to do that," Warner told us.

Even after hearing from the victim's father, court transcripts show that Judge Shelvin Singer was leaning toward an acquittal -- telling prosecutors: "There is really very little to connect the defendant to the shooting."

So with no eyewitnesses placing Boyd at the scene, no murder weapon, and no physical evidence linking him to the crime -- how could Boyd be found guilty? When we come back, we'll tell you about the dramatic testimony that changed the course of Boyd's trial, changed Judge Singer's mind about the evidence, and erased "*Reasonable Doubt*."

(Commercial Break)

Again, without any physical evidence, even the judge commented that the case against Lathierial Boyd was weak. Boyd still had faith that the system would work and he would be acquitted... until the day the judge moved the proceedings to the bedside of victim Ricky Warner.

"The only evidence that has me sitting here is Ricky's identification of me as the shooter," Boyd says.

In an emotionally-charged setting, with a tube down his throat, Ricky Warner testified from his hospital bed, that Boyd shot him. "I was speechless. I was dumbfounded. I couldn't believe he was saying I shot him. I just couldn't believe it was happening," Boyd says. "It seemed like at that moment I realized what was going on. That, that I could actually end up in prison."

Ricky Warner was shot in the back of the neck and paralyzed. According to police records we examined, when detectives first interviewed him at Northwestern Memorial Hospital, he told them he never saw the man who shot him. But then, three days later, his story changed... and the new story contradicted what eyewitnesses told police.

"Ricky was the only person who said he saw me get out of a white car, walk up on him, shoot him, walk back to the white car, and drive away," Boyd says.

The night of the shooting, at least four eyewitnesses told police: they saw the gunman drive up in a brown Riviera and run away through an alley. It may be too late to resolve the contradiction, since Ricky Warner died in 1993. But according to an affidavit, his own brother says before he died, Ricky told him he didn't know who shot him... "He said he never saw the shooters face."

We interviewed dozens of people connected to the case--from Florida to Hawaii. We tracked down seven of the original nine eyewitnesses who viewed the lineup, and we showed each one a series of mugshots. Still, not one of them identified Lathierial Boyd as the killer.

So if Lathierial Boyd didn't do it, who shot Michael Fleming and Ricky Warner?

Interviews with several people, led us to Yuri Smith, known on the street as "Cheesy," a violent gun-toting member of a Jamaican street gang.

FEB-21-2001 10:06

+7738833314

P. 04

SAO 04562

We asked Jennifer Bonnano to look at a photograph of Cheesy. "Does that ring a bell?"

"Yep," she said. "He was wearing a black leather jacket the night that I saw him, and his hair was shorter the night that I saw him. Again, that big, square, protruding jaw. And his face was very clenched when he was doing what he was doing."

Jennifer Bonnano believes Cheesy is the man she saw shooting at Fleming and Warner.

"Oh, I saw the man pull a gun out of his jacket!"

But detectives never questioned Cheesy about the murders -- and they never will. Yuri "Cheesy" Smith was shot and killed on a Chicago street corner eight years ago. For Lathierial Boyd, Cheesy's demise makes it even more difficult to prove his innocence.

"What if I'm forced to continue to sit here for something I didn't do?" Boyd asks. "I have two daughters who have grown up -- been forced to grow up without me. Just so many things that most people take for granted - I dream about."

While Boyd dreams of freedom, Jennifer Bonnano has nightmares about what she calls a miscarriage of justice. "He is innocent -- and I know it, because I was there," she says. "That's just sick and wrong. I'm sorry, it is."

Lathierial Boyd could spend the rest of his life in prison. He's not eligible for parole, for another 30 years.

Neither prosecutors nor police detectives would comment on-camera for this story. But they say they stand behind Boyd's conviction, pointing out: his appeals have all been turned down.

Boyd's attorneys will soon file a new appeal, based on our interview with eyewitness Jennifer Bonnano. They plan to ask for a new trial.

The judge who convicted Boyd told us he wanted to watch this story, before commenting on the new developments.